

NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-17-14 Boyce W. Elliott, Sr. Trust

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: April 9, 2014.

CERTIFICATE OF SERVICE

This is to certify that on April 18, 2014, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.

(Original Signed)

Anne F. Carter
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Official

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioner: Boyce W. Elliott, Sr. Trust

Appeal No.: V-17-14

Subject Property: Lot 26, Block C, Brinkley Square Subdivision, being 5908 Holton Lane, Temple Hills,
Prince George's County, Maryland

Heard and Decided: April 9, 2014

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman
Anastasia T. Johnson, Member

RESOLUTION

This appeal is brought before the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland (the "Board"), requesting a variance from the strict application of the provisions of Subtitle 27 of the Prince George's County Code (the "Zoning Ordinance").

In this appeal, a proceeding pursuant to Section 27-229 of the Zoning Ordinance, Petitioner requests that the Board approve a variance from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a front yard at least 25 feet in depth. Petitioner proposes to construct a partially covered front porch. A variance of 5 feet front yard depth is requested.

Evidence Presented

The following testimony and record evidence were considered by the Board:

1. The property was subdivided in 1979, contains 29,218 square feet, is zoned R-80 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway and shed. Exhibits ("Exhs.") 2, 4, 8 and 9. The existing single-family dwelling was built in 1981. Exhs. 8 and 9.

2. The property is much deeper (267-279 feet) than it is wide (approximately 100 feet). The angle of the front property line and the front line of the house cause the front yard to be somewhat shallower on the right side of the property than the left side. Exh. 2.

3. Petitioner would like to construct a front porch with an 8' x 16' section open and an 8' x 16' covered, but a variance is needed before obtaining a building permit for the proposed construction. Since the covered portion of the front porch would be located 20 feet from the front street line at the closest point, a variance of 5 feet front yard depth was requested.

4. Petitioner Boyce Elliott, Sr. testified that there used to be a handicapped ramp at the front of the house and there are two doors to enter the house at the front. He stated that he wants to cover, not enclose, half of the proposed porch so one door will be covered.

Applicable Code Section and Authority

Section 27-230 of the Zoning Ordinance authorizes the Board to grant variances when, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, provided

such relief can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan.

Findings of the Board

After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the location of the existing dwelling, the angle of the front property line and front line of the house causing the front yard to be somewhat shallower on the right side of the property than the left side, the proposed porch infringing beyond the required front yard setback on the right side, the porch providing Petitioner with a covered entryway into the house, and the character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan, and denying the request would result in a peculiar and unusual practical difficulty upon the owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 5 feet front yard depth in order to construct an 8' x 16' open front porch and an 8' x 16' covered front porch on the property located at Lot 26, Block C, Brinkley Square Subdivision, being 5908 Holton Lane, Temple Hills, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2, and the approved elevation plans, Exhibits 3(a) and (b).

BOARD OF ZONING APPEALS

By: (Original Signed)
Bobbie S. Mack, Chairperson

NOTICE

Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

Further, Section 27-233(a) of the Prince George's County Code states:

A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.